

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Criminal No. 14-01 (RHK/HB)

Plaintiff,

v.

**STIPULATION OF
SETTLEMENT**

RANDOLPH SETH ANDERSON,

Defendant,

and,

CHRISTOPHER WASCHE,

Petitioner.

The United States of America, by and through Andrew M. Luger, United States Attorney for the District of Minnesota, and Craig R. Baune, Assistant United States Attorney, and Charles Wasche, third-party petitioner, agree to resolve the petition filed as to a Springfield Armory 9 mm handgun, serial number XD230286 (hereafter “the firearm”), as follows:

WHEREAS, on April 1, 2014, the United States and the defendant entered into a Plea Agreement, whereby the defendant agreed to plead guilty to Count 1 of the Indictment, charging him with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) and 924(e)(1).

WHEREAS, on July 3, 2014, a Preliminary Order of Forfeiture was entered pursuant to 18 U.S.C. § 924(d) in conjunction with 28 U.S.C. § 2461(c), forfeiting the firearm and any ammunition sized in connection therewith to the United States.

WHEREAS, notice of the forfeiture was provided to Chris Wasche pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(b)(6)(A).

WHEREAS, on January 27, 2015, Chris Wasche filed a petition pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(c) asserting an interest in the firearm. The petition alleged that the firearm is owned by Chris Wasche and was stolen from his motor vehicle on September 2013.

NOW THEREFORE, the United States of America and Chris Wasche (“the petitioner”), agree to resolve the above-described petition as follows:

1. The parties to this agreement stipulate that the petitioner had a prior vested interest in the firearm pursuant to 21 U.S.C. § 853(n)(6).

2. The parties agree that following the completion of the criminal proceedings involving defendant Randolph Seth Anderson, including any appeal that may be filed, the firearm will be returned to the petitioner.

3. The return of the firearm shall be in full and final settlement and satisfaction of all claims by the petitioner arising from the seizure, detention and forfeiture of the firearm.

4. Third-party petitioner Chris Wasche, represents that he is the current owner of the firearm.

5. Upon return of the firearm, the petitioner agrees to release and hold harmless the United States, and any agents, servants, and employees of the United States (and any involved state or local law enforcement agencies and their agents, servants, and employees), in their individual and official capacities, from any and all claims by

petitioner that exist or may arise as a result of the seizure, detention and forfeiture of the firearm.

6. Each party agrees to bear its own costs and attorneys' fees.

Dated: February 19, 2015

Respectfully submitted,

ANDREW M. LUGER
United States Attorney

s/ Craig R. Baune

BY: CRAIG R. BAUNE
Assistant U.S. Attorney
Attorney ID No. 331727
600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415
Phone: 612-664-5600
Craig.baune@usdoj.gov

Dated: February 5, 2015

s/ Christopher Wasche
BY: CHRIS WASCHE
Third-Party Petitioner